

MADRAS REGULATION VII OF 1828.¹

[THE MADRAS SUBORDINATE COLLECTORS AND REVENUE
MALVERSATION (AMENDMENT) REGULATION, 1828.]

[18th April 1828.]

A Regulation for declaring the powers of Subordinate and Assistant Collectors in charge of particular divisions of districts, and for facilitating proceedings under Regulation IX, 1822.

WHEREAS the efficient discharge of the functions of Collectors requires that Subordinate and Assistant Collectors should be empowered to exercise within their divisions all the powers of the Collector, but subject, nevertheless, to their revision and correction; and further, that Collectors should have authority to refer for investigation, under certain restrictions, to their sarishtadárs and deputy sarishtadárs when absent from the huzur kachari, and also to their tahsildárs within their respective tahsildáris, certain of the cases cognizable by themselves under Regulation IX, 1822; and also that petitions of appeal against judgments and orders passed under the same Regulation should be preferred within a limited time, and should be finally decided upon by the Board of Revenue instead of the Governor in Council as at present; therefore the Governor in Council has enacted this Regulation * * *.²

¹ The short title was given by the Repealing and Amending Act, 1901 (Central Act XI of 1901).

This Regulation was declared by the Laws Local Extent Act, 1874 (Central Act XV of 1874), s. 4 and the second schedule to be in force in the whole of the Presidency of Madras except the territories mentioned in the sixth schedule to that Act.

The whole Regulation has been declared, under s. 3 (a) of the Scheduled Districts Act, 1874 (Central Act XIV of 1874), to be in force in the Rampa Country—see Notification No. 1151, *Gazette of India*, 1879, Pt. I, p. 630, and *Fort St. George Gazette*, *ibid.*, p. 723.

The whole Regulation, except s. 6, has been declared, by notification under s. 3 (a) of the same Act, to be in force in the Scheduled Districts in Ganjam and Vizagapatam—see *Gazette of India*, 1898, Pt. I, p. 869, and *Fort St. George Gazette*, *ibid.*, p. 666.

Section 6 of the Regulation has been declared, by notification under s. 3 (b) of the same Act, not to be in force in the Scheduled Districts in Ganjam and Vizagapatam—see *Gazette of India*, 1898, Pt. I, p. 872, and *Fort St. George Gazette*, *ibid.*, p. 667.

The whole Regulation has been extended, by notification under s. 5 of the last-mentioned Act, to the taluks of Bhadrachalam and Rakapilli—see Notification No. 1150, *Gazette of India*, 1879, Pt. I, p. 630, and *Fort St. George Gazette*, *ibid.*, p. 722.

The Regulation is in force in the Nugur taluk of the East Godavari District in virtue of section 2 (1) of Regulation I of 1909.

The Regulation has been declared by a notification under s. 3, clause (a) of the Scheduled Districts Act to be in force in the Dutcharti and Guditeru Muttas of the Godavari Agency—see *Fort St. George Gazette*, 1930, Pt. I, p. 553.

² Certain obsolete words have been repealed by Central Act XII of 1876.

2. [*Repeal of Regulation III of 1823, s. 3.*] *Rep., Mad. Act II of 1869.*

Powers
 exercisable
ex officio by
 Subordinate
 Collector in
 charge of
 division.

3. *First.*—A Subordinate or Assistant Collector¹ in charge of a particular division of a district shall *ex officio* have authority to exercise within the division under his charge all the powers granted to Collectors by the Regulations now in force, or that may be hereafter enacted, unless the contrary shall be expressly declared in any Regulation.

Authority of
 Collectors to
 delegate
 powers.

Second.—Collectors shall have authority to delegate, at their discretion, in writing under their official signature, any of the powers granted to them by any Regulation now in force, or that may be hereafter enacted, to any of their Subordinates or Assistants not in charge of a particular division of a district or to any of their Subordinates or Assistants in charge of a particular division beyond the limits of the division under his charge.

Controlling
 powers of
 Collectors.

Third.—The proceedings of Subordinate and Assistant Collectors acting under the preceding clauses shall be subject, in all cases, and in the fullest manner, to the superintendence, control and revision of the Collector, who shall have power either to direct, generally, that the proceedings of any of his Subordinates or Assistants shall be regularly submitted to himself before the decision, order or sentence is carried into execution, and to confirm, modify or annul them, or issue any further orders in the cases, as he may see fit ; or in any particular case to direct that the decision, order or sentence of any of his Subordinates or Assistants shall not be carried into execution; and to pass such further orders as he may see fit.

Cases which
 officers may
 be employed
 to investi-
 gate.

4. *First.*—Collectors are empowered, at their discretion, to refer for investigation to their sarishtadars and deputy sarishtadars when detached from the huzur kachari, and also to their tahsildárs, within their respective tahsildaris, all cases of a petty nature cognizable by themselves under Regulation IX, 1822.

Their powers
 when so
 employed.

Second.—³[] Officers employed under the preceding clause shall have the same powers as are granted to Collectors by clause first, section 3, Regulation IX, 1822 ; but witnesses shall not be examined by them on oath.

Procedure
 when
 persons
 summoned
 by them do
 not attend,
 etc.

Third.—If any person duly summoned by them shall not attend as required, or attending shall refuse to give evidence, or if any person whose evidence is required shall reside out of the limits of the collectorate, the ²[] officer employed shall report the circumstance to the Collector, who shall

¹ For meaning of expressions "Subordinate Collector" and "Assistant Collector"—see Mad. Act VII of 1914, s. 4.

² The word "Native" was omitted by the Adaptation Order of 1950.

proceed thereupon in the manner required by clauses second and third, section 3, Regulation IX, 1822.

Fourth.—¹[] Officers employed under this section shall take down in writing all the evidence given before them, and shall transmit their original proceedings to the Collector, who shall thereupon pass sentence, or order further evidence to be taken if he deem it necessary; provided always that Collectors shall not have authority to pass sentence against a party convicted, on an inquiry by any of the ¹[] officers above mentioned of any of the offences of the first, second or third class specified in clause second, section 2, Regulation IX, 1822, adjudging him to pay a sum exceeding fifty rupees, or to impose a fine exceeding that amount upon a party convicted, on such an inquiry, of any of the offences of the fourth or fifth class specified in the same clause and section.

Their proceedings.

Restriction on Collector's power to pass sentence.

5. [*Repeal of portions of Regulation IX of 1822.*] *Rep., Mad. Act II of 1869.*

6. *First.*—Whenever a person against whom a judgment or order shall have passed under the provisions of section 5 or section 6, Regulation IX, 1822, shall conceive himself aggrieved by such decision, he shall be at liberty at any time within three months from the date of such judgment or order, to present to the Collector a petition of appeal addressed to the Board of Revenue, which petition the Collector shall forthwith forward to the Board. The petition shall be written on unstamped paper, and shall state the grounds on which the petitioner deems himself aggrieved and the redress or relief to which he considers himself entitled.

Appeal against decisions of Collectors.

Second.—On receipt of such petition the Board of Revenue, after making such inquiry as they may judge necessary, will either direct the relief prayed for by the petitioner to be granted, ²* * * * *, or ³* * * reject the petition by endorsement under the hand of their secretary, referring the party complaining to seek redress, if he thinks proper, in the established Courts of Adalat.

Board of Revenue how to proceed on appeals.

Third.—⁴[* * * * *]

7. [*Disposal of pending appeals.*] *Rep., Central Act XII of 1876.*

¹ The word "Native" was omitted by the Adaptation Order of 1950.

² The words "or will report the case for the orders of the Governor in Council" were omitted by section 3 (i) of the Madras Revenue (Miscellaneous Amendments) Act, 1936 (Mad. Act VIII of 1936).

³ The words "will simply" were omitted by section 3 (i), *ibid.*

⁴ This clause was omitted by section 3 (ii), *ibid.*